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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,244	03/07/2007	Ulrich Werner	WERNER	5446
20151 7590 04/01/2011 HENRY M FEIEREISEN, LLC HENRY M FEIEREISEN 708 THIRD AVENUE SUITE 1501 NEW YORK, NY 10017				
EXAMINER MARSH, STEVEN M				
ART UNIT 3632		PAPER NUMBER		
NOTIFICATION DATE 04/01/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

INFO@FEIEREISENLLC.COM

Office Action Summary

Application No.

10/595,244

Applicant(s)

WERNER, ULRICH

Examiner

STEVEN M. MARSH

Art Unit

3632

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15, 18-24, 27-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 18-24, 27-31 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the third office action for US Application 10/595,244 for a Method and Device for Altering the Vibration Characteristics of a Motor System.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15, 21-24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,960,899 to Roach. Roach discloses a machine system with an electric machine (14... the frame of a vehicle, which has electric components) and an add-on module (28, 34) mounted on the electric machine by a mounting system (32) characterized in that at least a first mounting system can be exchanged against a second mounting system of a different type, wherein a change in the vibration characteristic of the machine system can be achieved by an exchange (one could exchange a harder rubber for the rubber isolators 32, which would change the vibration characteristics).

The machine system has different mounting locations (anywhere along the frame can be a mounting location) for mounting the add-on module on the electric machine by using mounting systems, wherein the mounting locations are only partially occupied by a mounting system (if the entire area comprises mounting locations, only 4 are occupied), wherein a change in the vibration characteristic of the machine system can be achieved with the mounting systems by changing occupation of the mounting locations (by mounting other mounting systems the vibration characteristic would change). The mounting system is implemented as a damper and the coupling element comprises a rubber material that absorbs vibration (an absorber). The add-on component is a top mounted cooler (28) of the electric machine and is attached to the machine by left and right mounting systems.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,460,822 to Lee. Lee discloses a machine system with an electric machine (300) and an add-on module (200) wherein the add-on module is mounted on the electric machine by a mounting system (311) characterized in that at least a first mounting system can be exchanged against a second mounting system of a different

type, wherein a change in the vibration characteristic of the machine system can be achieved by an exchange (using screws 311 of a different size, shape, or material will change the vibration characteristics). The mounting system (311) includes a coupling element that is a screw connection. Lee does not disclose the electric machine as a top mounted cooler, but the type of machine mounted is a matter of design preference that would be obvious to one of ordinary skill in the art

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach in view of Official Notice provided by the Examiner. The Examiner is providing official notice that spring and damper combinations are well known vibration isolation systems in the art. Because both Roach and the prior art disclose vibration isolation systems, it would have been obvious to one skilled in the art to substitute one isolation system for the other to achieve the predictable result of a spring and damper mounting system or coupling element.

Claims 16, 28-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach. Roach does not specifically disclose replacing a first mounting system with a second mounting system. However, Roach discloses that the mounting systems (32) can be either elastic or rubber isolators. Therefore, the specific material is a matter of design preference that would be obvious to one of ordinary skill in the art, and one of ordinary skill in the art would know to utilize different materials which inherently have different vibration characteristics.

Response to Arguments

Applicant's arguments filed 21 January 2011 have been fully considered but they are not persuasive. Applicant first argues that the cooling fan is not part of the mounting system. However, the entire assembly comprises the mounting system as explained above. Applicant also argues that changing the attachment of the radiator does not change the vibration characteristic of the machine system. However, the claim language reads, "the vibration characteristic depends on the selected mounting location of the top-mounted cooler on the machine *or* a characteristic of the at least one coupling element". The vibration characteristic of the mounting system taught by Roach is dependent on the characteristic of the coupling element and therefore meets the limitation of the claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEVEN M. MARSH whose telephone number is (571)272-6819. The examiner can normally be reached on 8:30 am - 7:00 pm (Monday-Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrell McKinnon can be reached on 571-272-4797. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. M./
Examiner, Art Unit 3632
March 25, 2011

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/Terrell Mckinnon/

Supervisory Patent Examiner, Art Unit 3632